## REMARKS

Claims 1-17 are pending in the present application and all stand rejected as being obvious under 35 U.S.C. § 103(a). In particular, Claims 1, 2 and 7-14 are rejected as being obvious over U.S. Patent No. 6,367,009 to Mark C. Davis, et al. in view of U.S. Patent No. 6,178,505 to David S. Schneider, et al. In addition, Claims 4-6, 16 and 17 are rejected as being obvious over the Davis '009 patent in view of the Schneider '505 patent and in further view of U.S. Patent No. 6,240,091 to Philip Ginzboorg, et al. Further, Claims 3 and 15 are rejected as being obvious over the Davis '009 patent in view of the Schneider '505 patent and in further view of U.S. Patent No. 5,774,552 to Francine G. Grimmer. As described below, each independent claim, namely, independent Claims 1, 8 and 13, has been amended to further patentably distinguish the claimed invention from the cited references, taken either individually or in any proper combination. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the pending claims are respectfully requested.

All of the rejections are premised upon a combination of the Davis '009 patent and the Schneider '505 patent. As described below, these references cannot properly be combined and the rejections are therefore initially traversed on this basis. In particular, in order to properly combine references, a teaching or motivation to combine the references is essential. *In re Fine*, 337 F.2d 1071, 1075 (Fed. Cir. 1988). In fact, the Court of Appeals for the Federal Circuit has stated that, "[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999). Although the evidence of a suggestion, teaching, or motivation to combine the references commonly comes from the prior art references themselves, the suggestion, teaching, or motivation can come from the knowledge of one of ordinary skill in the art or the nature of the problem to be solved. *Id.* In any event, the showing must be clear and particular and "[b]road conclusory statements regarding the teaching effect of multiple references, standing alone, are not 'evidence'." *Id.*

In this instance, the Davis '009 patent describes a computer architecture in which a client communicates with a middle tier server (MTS) which, in turn, accesses an application on an end

tier server (ETS). To provide security, a first secure sockets layer (SSL) connection is established between the client and the MTS, while a second SSL connection is established between the MTS and the ETS. In establishing the second SSL connection, the ETS is provided with a delegate certificate that includes the name of the client as the subject. As described in column 13, lines 35-42 of the Davis '009 patent, the ETS can utilize the name of the client in order to control access to the desired application by comparing the name of the client to a list of authorized users and allowing access if the name of the client is included in the list of authorized users and denying access otherwise.

The Official Action recognizes that "Davis does not disclose permitting the user access to a portion of a computer site and restricting the user from at least one other portion of the computer site [as recited by the independent claims]." The Official Action also notes that "Davis does not disclose user accounts indicating which portion of the computer site to which the corresponding user is permitted access [as also recited by the independent claims]." As such, the Official Action combines the Schneider '505 patent with the Davis '009 patent for its disclosure of "a database (directory) of user accounts wherein the user is assigned a group and is allowed access to data said group is permitted to access."

The Schneider '505 patent describes a computer network having a number of access filters that define the access rights of the various users. In this regard, each user is defined to be the member of one or more groups, e.g., engineers, sales force, etc. The groups, in turn, are provided or denied access rights to various information resources. Depending upon a user's membership in the various groups, the users are therefore provided or denied access rights to different ones of the information resources.

Although the Official Action indicates that "[i]t would be obvious to one skilled in the art to modify the system of Davis with the user account access control of Schneider because ACL's [access control lists] do not provide the level of security and flexibility that user accounts do", Applicants submit the Davis '009 patent and the Schneider '505 patent cannot properly be combined. In this regard, the Davis '009 patent provides for a user to be granted or denied access to a particular application based upon the user's identity and the list of users authorized to access the application, thereby providing access control for a given server as opposed to

providing a directory with an account for each user as noted in the Response dated April 13, 2004. As described, the Davis '009 patent does not place the users into groups. Since the Davis '009 patent relies upon the user's identity to determine the access rights and does not utilize group membership for any reason, it would be incongruous to combine the Davis '009 patent with the Schneider '505 patent which relies upon group membership as the basis for its access control scheme.

Moreover, while the access control scheme of the Schneider '505 patent may be advantageous in some situations for providing a common means of providing access control for multiple applications, the Davis '009 patent is particularly directed to computer architectures in which a client is attempting to access a particular application served by a respective ETS. Thus, the capability provided by the Schneider '505 patent of providing common access control for multiple applications is largely, if not completely, immaterial relative to the computer architecture of the Davis '009 patent in which access is governed, not by a common entity, but by an individual ETS that is responsible for controlling access for a respective application. Additionally, modifying the computer architecture of the Davis '009 patent that is concerned with access control for a given server to make use of the group level access control of the Schneider '505 patent would require a significant alteration of the computer architecture of the Davis '009 patent in a manner that would appear to change the principle of operation of the computer architecture which further evidences the impermissibility of such a combination since, as stated in MPEP § 2143.01, "[a] proposed modification cannot change the principle of operation of a reference."

For each of the foregoing reasons, Applicants submit that the Davis '009 patent and the Schneider '505 patent cannot properly be combined. Thus, the rejections of the claims are respectfully traversed.

Even if the references were combined, however, Applicants submit that the combination of the references does not teach or suggest the amended set of claims. In this regard and for sake of reference, independent Claim 1 is directed to an access system that includes a certificate authentication component to verify a user's identity from a digital certificate, a directory to maintain an account for each user with each account containing an access policy specifying at

least one portion of the computer site in which the user is permitted access, and an access control system for controlling access to a computer site by permitting the user to access a portion of the computer site and restricting the user from accessing at least one other portion of the computer site based on the access policy. Building upon the initial verification of the user's identity by the certificate authentication component, independent Claim 1 has now been amended to clarify that the directory maintains an account for each individual user, as opposed to a group of users. Moreover, independent Claim 1 has been amended to specify that the access control system controls the access based on the access policy associated with the individual user, again as opposed to a group. While Claim 1 has been described for purposes of example, independent Claims 8 and 13, which are directed to a method and another embodiment of an access system, have likewise been amended.

As noted by the Official Action, the Davis '009 patent fails to teach or suggest the claimed invention. In this regard, the Official Action states that "Davis does not disclose permitting the user access to a portion of a computer site and restricting the user from at least one other portion of the computer site. Davis does not disclose user accounts indicating which portion of the computer site to which the corresponding user is permitted access." Even if the Schneider '505 patent were combined with the Davis '009 patent, the resulting combination still fails to teach or suggest a directory maintaining an account including an access policy for each individual user and an access control system for controlling access to a computer site based on the access policy associated with the individual user in the directory, as now recited by amended independent Claim 1. In this regard, the Schneider '505 patent provides access rights on a group-by-group basis and not based on personalized access policies for an individual user. Since the Schneider '505 patent is cited specifically for its disclosure of a user account for purposes of access control, the resulting combination would practice the access control technique of the Schneider '505 patent, that being the provision of access rights on a group basis as opposed to an individualized basis as set forth by amended independent Claim 1. Thus, even if the Davis '009 patent and the Schneider '505 patent were combined the resulting combination would fail to teach or suggest that the directory maintains an account for each individual user and that the access control system controls the access based on the access policy associated with the

individual user, as set forth by amended independent Claim 1, since the combination of references would, at best, provide access control on a group basis as opposed to the individualized basis set forth by the claimed invention.

Thus, amended independent Claim 1 is not taught or suggested by the Davis '009 patent in combination with the Schneider '505 patent. The other independent claims, that is, Claims 8 and 13, have been similarly amended and include comparable recitations to independent Claim 1 and are therefore patentably distinct from the Davis '009 patent and the Schneider '505 patent for at least the same reasons as described above in conjunction with independent Claim 1. The tertiary references likewise fail to cure the deficiencies of the Davis '009 patent and the Schneider '505 patent with the tertiary references only being cited by the Official Action in conjunction with features set forth in various dependent claims.

For each of the foregoing reasons, Applicants submit that the rejections of independent Claims 1, 8 and 13 are therefore overcome. Since the dependent claims include each of the recitations of a respective independent claim, Applicants submit that the rejections of the dependent claims are also overcome for at least the same reasons as described above in conjunction with a respective independent claim.

## CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 07-2347.

Respectfully submitted,

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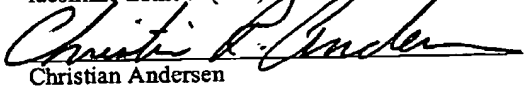

Christian Andersen

July 7, 2005
Date